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NEW MEXICO
ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

J.C. BORREGO
Deputy Secretary

Original via UPS -- Copy via Electronic Mail

June 9, 2017
Mr. William K. Honker, Director
Water Quality Protection Division (6WQ)
U. S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: State Certification

Dear Mr. Honker:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit: **NM0024996**

**Mora Mutual Water and Sewer Association (MMWSA)
Wastewater Treatment Plant**

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the USEPA web site on April 27, 2017 and NMED web site at <https://www.env.nm.gov/surface-water-quality/public-notice/>

On April 27, 2017. The NMED public comment period ended on June 1, 2017. NMED did receive comments during the public comment period and considered them as part of this certification.

Mora Mutual Water and Sewer Association

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Sincerely,
/S/ Shelly Lemon

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

cc: (w/enclosures)

Ms. Evelyn Rosborough, USEPA (6WQ-NP) via e-mail

Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail

Mr. Clarence Aragon, MMWSA, P.O. Box 8 Mora, NM 87732

Mr. Robert Italiano, NMED District 2 Manager via e-mail

Mr. Samuel Coleman, Acting Regional Administrator
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

06/09/2017

STATE CERTIFICATION

RE: Mora Mutual Water and Sewer Association (MMWSA) Wastewater Treatment Plant, NM0024996

Dear Mr. Coleman:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (**see attachments**)
- ☐ () denies certification for the reasons stated in the attachment
- ☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions (if any) pertaining to this draft permit are attached.

Sincerely,
/S/ Shelly Lemon

Shelly Lemon, Chief
Surface Water Quality Bureau

Mora Mutual Water and Sewer Association (MMWSA)
Wastewater Treatment Plant
State Certification of the Proposed NPDES Permit NM0024996
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Conditions of Certification

There are no conditions of certification.

Comments That Are Not Conditions Of Certification

1. The Latitude and Longitude listed in the proposed permit is incorrect. Field observations and confirmation with the use of Google Earth shows the actual outfall location at the river is: Latitude 35°58'0.73"N and Longitude 105°18'8.24"W. NMED suggests making this correction in the Fact Sheet in Section II Discharge Location and Activity, and on the cover page of the final permit.

2. The permit in Part I and in the Fact Sheet establishes effluent limits for the Nutrients, Total Nitrogen and Total Phosphorous based on the Revised TMDL approved by EPA on July 22, 2015. Often in a TMDL developed by NMED, an implementation section is included to provide additional information for the NPDES permit process that allows a compliance schedule approach to reaching the final Waste Load Allocations (WLA) for pollutants. That implementation was not included in this TMDL. The permittee has submitted comments requesting interim limits and a compliance schedule to allow for time to make modifications at the facility to improve treatment and the removal of pollutants. There is no prohibition in the TMDL for the allowance of a schedule of compliance, therefore NMED suggests that a compliance schedule approach be included in this permit for the effluent limits of Total Phosphorous and Total Nitrogen:

Schedule 1:

Effective date of the permit through the first 30 months of the permit:

	Pollutant	30 Day Avg Pounds Per Day	Daily Max Pounds Per Day	30 Day Average Mg/L	Daily Max Mg/L	
Summer May 1 – Sept 30	Total Phosphorous	Report	Report	Report	Report	
	Total Nitrogen	Report	Report	Report	Report	
Winter October 1 – April 30	Total Phosphorous	Report	Report	Report	Report	
	Total Nitrogen	Report	Report	Report	Report	

Schedule 2:

Effective 30 months and 1 day through 59 months and 30 day of the permit:

	Pollutant	30 Day Avg Pounds Per Day	Daily Max Pounds Per Day	30 Day Average Mg/L	Daily Max Mg/L	
Summer May 1 – Sept 30	Total Phosphorous	Report	0.81	Report	Report	
	Total Nitrogen	Report	5.91	Report	Report	
Winter October 1 – April 30	Total Phosphorous	Report	0.26	Report	Report	
	Total Nitrogen	Report	2.18*	Report	Report	

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*Loading based on Permittee's request of a schedule to meet a concentration of 5mg/Loading calculation in lbs/day = pollutant concentration in mg/L * 8.345.lbs/gal*design flow in MGD

Schedule 3:

Effective the final day of the permit:

	Pollutant	30 Day Avg Pounds Per Day	Daily Max Pounds Per Day	30 Day Average Mg/L	Daily Max Mg/L	
Summer May 1 – Sept 30	Total Phosphorous	Report	0.81	Report	Report	
	Total Nitrogen	Report	5.91	Report	Report	
Winter October 1 – April 30	Total Phosphorous	Report	0.26	Report	Report	
	Total Nitrogen	Report	2.0	Report	Report	

3. The Fact Sheet does not explain the reason nor provide a calculation for the 30 day average pounds per day for the final effluent loads for Total Nitrogen and Total Phosphorous. NMED suggests this explanation be provided.

End of Comments That Are Not Conditions Of Certification